

## **SECTION 13. PUBLIC HEALTH NUISANCE REGULATIONS.**

### **Subsection 13.1: Purpose**

- A. Regulations defining Public Health Nuisances, prohibiting their creation or maintenance, and providing for abatement and penalties for violation thereof.

### **Subsection 13.2: Public Nuisances Affecting Health**

It is hereby declared to be a public health nuisance to permit, maintain, or harbor any of the following within a dwelling or fifty (50) feet from perimeter of dwelling:

- A. Animals, fish, or fowl, wild or domestic, whether confined or running at large having a contagious disease or condition which endangers public health, safety, or welfare.
- B. Garbage not stored in rodent-free of fly-tight containers, or garbage stored so as to emit foul and disagreeable odors, or garbage stored so as to constitute a hazard to public health or safety.
- C. Unreasonable accumulations of refuse or garbage, or any combination thereof.
- D. The public exposure of persons having a contagious disease or condition which endangers public health, safety, or welfare.
- E. Infestations of insects, vermin or rodents.

### **Subsection 13.3: Enforcement**

- A. It shall be the duty of Countryside Community Health Board, by and through its Environmental Health Department to enforce the provisions of this ordinance section. The Director of Environmental Health, Sanitarian, or other designated staff member is hereby the delegated authority to enforce the provisions of this ordinance section, including such power to inspect private premises as exists by law, issue orders for abatement, issue citations for violations, and abate nuisances. The officers charged with the enforcement of this ordinance section shall take all reasonable precautions to prevent the commission and maintenance of public health nuisances.

### **Subsection 13.4: Abatement of Nuisance & Assessment of Cost**

- A. When any public health nuisance is found to exist within Swift County, the Health Authority shall order the owner or occupant thereof to remove the same, at the expense of the owner or occupant, within a period not to exceed thirty (30) days, the exact time to be specified in the notice. Upon failure of the owner or occupant to abate the nuisance, Countryside Community Health Board or its designee will consult with the Swift County Board of Commissioners for further action. Prior to the solicitation of bids to abate the nuisance the Swift County Board must approve the action. Once the bids are sought and approved by the County Board, the Auditor will contact the Environmental Health Director to proceed with the enforcement. The cost of the enforcement action may be assessed and charged against the real property on which the public health nuisance was located, pursuant to Minnesota Statute 145A.04 and 145A.08. No person shall obstruct any official

of Countryside Community Health Board or Swift County Board in enforcing this ordinance section.

- B. In the event the Health Authority deems a nuisance situation to constitute an immediate public health hazard, the Health Authority may immediately abate or condemn the nuisance.
- C. The owner or occupant shall then make safe or secure the property or nuisance in accordance with the above provisions.

**Subsection 13.5: Penalty**

- A. Any person violating any of the provision of this ordinance section shall, upon conviction, be guilty of a misdemeanor and subject to a fine of not more than seven hundred (\$700) dollars or by imprisonment for a period of not exceeding ninety (90) days or both, together with costs or prosecution.
- B. Each day that a prohibited act shall continue or such nuisance shall be maintained, shall constitute a separate offense.

**Subsection 13.6: Injunctive Relief**

- A. In the event of a violation or threat of this ordinance section, Countryside Community Health Board, by action of the County Attorney may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the County Attorney may institute a civil action. All costs of such action, inclusive of reasonable attorney fees, shall be charged against the property owner or against the real estate from which the nuisance has been abated, all in accordance with Minnesota Statutes Section 145A.04, subdivision 08 and 145A.08. No person shall obstruct any official of Countryside Community Public Health Board in enforcing this ordinance section.